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Message Text

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46
ACTION ARA-10

INFO OCT-01 ISO-00 ARAE-00 SY-05 SCCT-01 DHA-02 AID-05

OMB-01 CIAE-00 COME-00 EB-07 INR-07 LAB-04 NSAE-00

SIL-01 DODE-00 PA-01 PRS-01 SP-02 L-03 /051 W
---------- 055110
P R 121740Z FEB 76
FM AMEMBASSY MANAGUA
TO SECSTATE WASHDC PRIORITY 9120
INFO AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USIA WASHDC
AMEMBASSY GUATEMALA

C O N F I D E N T I A L MANAGUA 0699

EO 11652: GDS
TAGS: PINT,NU
SUBJECT: OPPOSITION LEADER ARRESTED

SUMMARY: OPPOSITION LEADER PEDRO JOAQUIN CHAMORRO WAS ARRESTED FEB. 11 FOR DISOBEYING A SUMMONS BY A JUDGE TRYING A SLANDER ACCUSATION FILED AGAINST HIM BY CHAMBER OF DEPUTIES' PRESIDENT CORNELIO HUECK. CHAMORRO IS BEING CHARGED UNDER HUECK-AUTHORED LAW DESIGNED TO MUFFLE CHAMORRO'S LA PRENSA IN A JUECK-CONTROLLED COURT AND AIMS TO RESIST JURISDICTION TO THE LAST IN THE INTEREST OF FREEDOM OF THE PRESS AND IN EXPLOITING THE CASE FOR POLITICAL REASONS. END SUMMARY

1. PEDRO JOAQUIN CHAMORRO, NICARAGUA'S MOST PROMINENT OPPOSTION LEADER, WAS ARRESTED AT HIS MANAGUA RESIDENCE BY POLICE THE AFTERNOON OF FEBRUARY 11 FOR FAILURE TO OBEY SUMMONSES FROM A MAGISTRATE'S COURT IN MASAYA. THE INCIDENT AROSE OUT OF THE SUIT FILED AGAINST CHAMORRO BY CHAMBER OF DEPUTIES' PRESIDENT CORNELIO HUECK FOR SLANDER AND DEFAMATION CONERNING CHARGES WHICH STILL HAVE ONLY
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BEEN HINTED AT BUT OBVIOUSLY HAVE TO DO WITH REPORTING IN

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CHAMORRO'S LA PRENSA. CHAMORRO HAD HELD THAT THE TRIAL COULD NOT BEGIN UNTIL AN APPEALS COURT DECIDED ON HIS CHALLENGES OF THE COURT'S VENUE, ITS COMPETENCE AND THE PARTIALITY OF THE JUDGE. THE JUDGE HELD DIFFERENTLY AND SENT OUT THE POLICE TO DETAIN HIM AND, PRESUMABLY, HAUL HIM TO A COURT HEARING THE NEXT DAY. CHAMORRO'S LAWYER AND FAMILY EXPECT HIM TO BE RELEASED AFTER THE HEARING.

2. THE CHAMORRO JAILING WAS ALLOWED BY THE CENSORS TO BE HEADLINED IN SOMOZA-OWNED NOVEDADES AND BROADCAST WITHOUT COMMENT ON THE RADIO.

3. COMMENT: CHAMORRO IS BEING ACCUSED UNDER THE LIBEL LAW ENGINEERED BY JUECK IN 1973 WHEN HE WAS PRESIDENT OF THE CONSTITUENT ASSEMBLY. AT THT TIME IT WAS DEBATED AND RAMMED THROUGH THE ASSEMBLY, IT WAS DENOUNCED INTERNALLY AND BY THE INTER-AMERICAN PRESS ASSOCIATION AS A MEANS TO HOBBLE CHAMORRO'S LA PRENSA, THE MOST IMPORTANT OPPOSITION MEDIA ORGAN. ONE OF THE PROVISIONS APPLICABLE TO THE PRESENT CASE WAS THAT A DIRECTOR OF A NEWSPAPER WILL BE RESPONSIBLE, WITH A MAXIMUM FINE OF 50,000 CORDOBAS (US$7,000) UNDER THE LAW FOR ANYTHING APPEARING IN HIS PAPER. THE LAW HAD BEEN ESSAYED ONCE BEFORE AGAINST CHAMORRO IN NOVEMBER 1974 WHEN A NATIONAL GUARD SARGEANT ACCUSED OF PARTICIPATING IN A GANG-RAPE OF THE YOUNG WIFE OF A LEFTIST CAMPESINO ORGANIZER, FILED CHARGES AGAINST BOTH CHAMORRO AND THE WOMAN, AMADA PINEDA. THE CASE FELL OF ITS OWN WEIGHT BEFORE AN INDEPENDENT-MINDED JUDGE IN MANAGUA AS CHAMORRO'S ALLIES MOUNTED PROTEST DEMONSTRATIONS AND THREATENED A LABOR SYMPATHY STRIKE. THIS TIME THE CASE IS BEING HEARD IN HUECK'S HOME TOWN BEFORE A JUDGE BEHOLDEN TO HIM.

4. BEFORE HIS ARREST, CHAMORRO TOLD POLOFF THAT THE FUTURE OF LA PRENSA AS A SOMOZA CRITIC WAS AT STAKE IN THE TRIAL. IF HE WERE FOUND GUILTY AND FORCED TO PAY, IT WOULD ESTABLISH A PRECEDENT WHEREIN LA PRENSA COULD NEVER AGAIN REPORT ON THE TRANSGRESSIONS OF SOMOCISTAS WITHOUT BEING TIED UP IN LITIGATION OR WEIGHED DOWN BY FINES. FOR THAT REASON HE HAD DECIDED TO EXPLOIT THE ISSUE FOR ITS MAXIMUM POLI-
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TICAL EFFECTIVENESS BY RESISTING THE COURT AT EVERY STEP AND FINALLY REFUSING TO PAY THE FINE WHEN LEVIED. ALTHOUGH NOT ENTHUSIASTIC ABOUT GOING TO JAIL, CHAMORRO WAS WILLING TO BECOME A MARTYR FOR THE PRINCIPLE AT STAKE. CHAMORRO WAS HOPEFUL THAT THE INCIDENT WOULD PRECIPITATE PROTESTS FROM THE COMPONENTS OF THE UNION OF DEMOCRATIC LIBERATION (UDEL) WHICH HE HEADS, INCLUDING JOB ACTIONS BY SOCIAL CHRISTIAN AND COMMUNIST LABOR UNIONS. HE ALSO THOUGHT THAT HIS IMPRISON-

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MENT WOULD GALVANIZE THE ANTI-SOMOCISTA FORCES IN GENERAL
OUT OF THE SOMNOLENCE INTO WHICH THEY HAVE FALLEN SINCE THE
INVOCATION OF THE STATE OF SIEGE AND CENSORSHIP FOURTEEN
MONTHS AGO.
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TAGS: PINT, NU, (CHAMORRO, PEDRO JOAQUIN)
To: STATE
Type: TE
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